

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

NATIONAL ASSOCIATION OF BLIND §
MERCHANTS, *et al.*, §
Plaintiffs, §
v. § Civil Action No. 3:24-CV-277-L
THE ARMY & AIR FORCE §
EXCHANGE SERVICE, *et al.*, §
Defendants. §

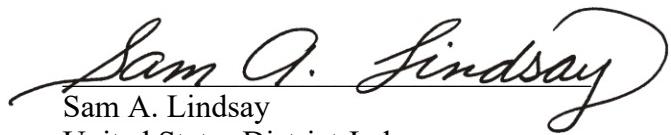
ORDER

On January 28, 2025, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 23) was entered, recommending that this court grant Defendants’ Motion to Dismiss (“Motion”) (Doc. 15) to the extent dismissal is sought pursuant to Federal Rule of Civil Procedure 12(b)(1) for failure to exhaust mandatory administrative grievance proceedings before filing this action. On February 11, 2025, Plaintiffs filed objections to the Report (Doc. 24).

In their objections, Plaintiffs contend that the magistrate judge failed to address certain issues in addressing the parties’ respective arguments under the applicable legal framework and incorrectly decided others. The court has carefully reviewed the Report and the parties’ briefs that were filed in connection with Defendants’ Motion. Contrary to Plaintiffs’ assertions, this is not a situation in which the magistrate judge did not consider pertinent issues. Instead, Plaintiffs simply disagree with how the magistrate judge resolved the issues raised by the parties’ and necessary to rule on Defendants’ Motion. The court, however, finds no error in the magistrate judge’s analysis and, therefore, **overrules** Plaintiffs’ objections.

Having considered Defendants' Motion, the parties' briefs, the pleadings, record in this case, and Report, and having conducted a de novo review of that portion of the Report to which objection was made by Plaintiffs, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Defendants' Motion (Doc. 15) to the extent dismissal is sought pursuant to Federal Rule of Civil Procedure 12(b)(1) for failure to exhaust mandatory administrative grievance proceedings before filing this action; and **dismisses without prejudice** this action.

It is so ordered this 14th day of February, 2025.



Sam A. Lindsay
United States District Judge